

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2016

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.1476 of 2016

and

CMP No.8123 of 2016

1. The Chairman,
Selection Grade Town Panchayat,
Uthangarai – 635 207
2. The Special Officer,
Selection Grade Town Panchayat,
Uthangarai – 635 207
3. The Administrative Director,
Town Panchayats,
Collectorate,
Krishnagiri – 635001
4. The District Collector,
Krishnagiri – 635 001

.... Petitioners

vs

- 1.Devan @ Govindarajan
- 2.Vediyappan

.... Respondents

Civil Revision Petition filed under Section 115 of the Civil Procedure Code against the order and decretal order dated 31.03.2016 made in R.E.A No.29/2010 in O.S.No.63 of 2003 on the file of District Munsif-cum-Judicial Magistrate, Uthangarai.

For Petitioners : Mr.T. Jayarameraj
Govt. Advocate

For Respondent : Mr.T. Balaji

ORDER

Challenging the order passed in R.E.A No.29 of 2010 in O.S.No.63 of 2003, on the file of District Munsif cum Judicial Magistrate, Uthangarai, the Judgment Debtors have filed the above Civil Revision Petition.

2. Pursuant to the decree granted in O.S.No.63 of 2003, the decree holder filed an Execution Petition in R.E.A.No.29 of 2010 under Order XXI Rule 11 of Civil Procedure Code. As against the order passed by the executing Court, the Judgment Debtors have filed the above civil revision petition.

3. When the matter is taken up for hearing, Mr.T. Jayarameraj, learned Government Advocate, appearing for the petitioners, submitted that as against the decree passed in O.S.No.63 of 2003, the defendants filed an appeal in A.S.No.24 of 2012 on the file of Additional District Court, Krishnagiri and the lower appellate court also confirmed the judgment and decree passed by the trial court and dismissed the appeal. As against the judgments and decrees, passed by the Courts below, the revision petitioners have filed a Second Appeal in S.A.No.1443 of 2013 before this Court and the learned Government Advocate submitted that in the Second Appeal, the first respondent/plaintiff had orally given an undertaking that the respondent/decreed holder shall not proceed with the execution petition. The learned counsel for the respondent also admitted that he has orally given an undertaking before this court not to proceed with the execution proceedings.

4. In view of the submissions made by the learned counsel on either side, I do not find any reason to keep the civil revision pending. The learned Government Advocate also submitted that the Civil Revision Petition may be closed in view of the undertaking given by the

M. DURAISWAMY,J.,

sr

learned counsel for the first respondent in the Second Appeal.
Accordingly, the Civil Revision Petition is closed. No costs.
Consequently, connected CMP is closed.

20-06-2016

sr

Index:no
website:yes

To

The District Munsif-cum-Judicial Magistrate, Uthangarai.

C.R.P(NPD)No.1476 of 2016